

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: HEALTH CARE FINANCING ADMINISTRATION**

1. TRANSMITTAL NUMBER:

0 4 — 0 0 5

2. STATE:

NH

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

7/1/04

5. TYPE OF PLAN MATERIAL (Check One):

☐ NEW STATE PLAN

☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN

☒ AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:

7. FEDERAL BUDGET IMPACT:

a. FFY 2004 \$(1.025 million)

b. FFY 2005 \$(4.625 million)

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:

Attachment 3.1-A, page 5a(1)

Attachment 3.1-B, page 4c

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable):

n/a
New Hampshire (04-005)
approved: 04/22/04
effective: 07/01/04

10. SUBJECT OF AMENDMENT:

Pharmacy Services - PDL - Supplemental Rebates

11. GOVERNOR'S REVIEW (Check One):

☐ GOVERNOR'S OFFICE REPORTED NO COMMENT

☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

☒ OTHER, AS SPECIFIED:

Comments, if any, will follow

12. SIGNATURE OF STATE AGENCY OFFICIAL:

John A. Stephen

13. TYPED NAME:

John A. Stephen

14. TITLE:

Commissioner

15. DATE SUBMITTED:

February 9, 2004

16. RETURN TO:

Maralyn Doyle
Office of Program Support
DHHS Brown Building
129 Pleasant St.
Concord, NH 03301

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:

February 11, 2004

18. DATE APPROVED:

April 22, 2004

PLAN APPROVED - ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:

July 1, 2004

20. SIGNATURE OF REGIONAL OFFICIAL:

[Signature]

21. TYPED NAME:

Bruce D. Greenstein

22. TITLE: Associate Regional Administrator
Division of Medicaid and Children's Health

23. REMARKS:

12a. Prescribed Drugs (continued)

Preferred Drug Lists and Supplemental Rebate Agreements:

In accordance with Section 1927 of the Social Security Act, the state is establishing a preferred drug list.

Certain covered products, in accordance with Section 1927 of the Social Security Act, may not be among the baseline preferred drugs identified by the Pharmacy and Therapeutics Advisory Committee (PTAC) for various therapeutic classes. All Medicaid covered products remain available through the Medicaid program, but may require prior authorization. The state, or the state in consultation with a contractor, may negotiate supplemental rebate agreements that would reclassify any drug not designated as preferred in the baseline listing for as long as the agreement is in effect.

The prior authorization program provides a response by telephone or other telecommunication device within 24 hours of a request. In an emergency situation, the prior authorization program provides for the dispensing of at least a 72-hour supply of a covered drug.

The state is in compliance with Section 1927 of the Social Security Act. Based on the requirements for Section 1927 of the Act, the state has the following policies for the supplemental drug rebate program for the Medicaid population:

- Supplemental rebate agreements between the state and a pharmaceutical manufacturer will be separate from federal rebates and are in excess of those required under the national drug rebate agreement.
- The supplemental rebate agreements will apply to the Medicaid program.
- CMS has authorized the state of New Hampshire to enter into the Michigan multi-state pooling agreement. The Amendment to the Supplemental Drug Rebate Agreement was submitted to CMS on April 9, 2004, and has been authorized by CMS.
- Supplemental rebates received by the state in excess of those required under the national drug rebate agreement will be shared with the federal government on the same percentage basis as applied under the national rebate agreement.
- All drugs covered by the program, irrespective of any prior authorization requirement, will comply with provisions of the national drug rebate agreement.
- Manufacturers with supplemental rebate agreements are allowed to audit utilization data.
- The unit rebate amount is confidential and cannot be disclosed in accordance with Section 1927(b)(3)(D) of the Social Security Act.

TN No: 04-005

Supersedes

TN No: XXXXX

Approval Date 04/22/2004

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